(1)

92-59

NO. _____

Supreme Court, U.S.
FILED
JUN 10 1992
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1992

In re HENRY ANDERSON, Petitioner

V

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF CALIFORNIA
ROBERT E. COYLE, DISTRICT JUDGE

Respondent

and

JOHN D. FAIRBROOK, BALDASSARO "BILL" DICAPO,
JONATHAN S. KITCHEN, BAKER & McKENZIE,
CHRYSLER MOTORS, CORPORATION
STOCKTON DODGE, INCORPORATED,
JOHN J. PATRIDGE,

real parties in interest

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# PETITION FOR WRIT OF MANDAMUS
to the UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

---

Henry Anderson
676 Covey Road
Valley Springs
Ca. 95252
no phone

59

## The Questions Presented For Review

Whether Respondent Coyle had a conflict of interest, when Respondent refused to disqualify himself from acting in this case?

Does Respondent Coyle have privilege to ignore the judicial admissions made by the principals and defendants in this action?

Does the Court of Appeals have privilege to ignore the judicial admissions of Respondent in the falsification of court records by Respondent Coyle?

Does the Court of Appeals have privilege to ignore its duty to correct the judicial misconduct of Respondent Coyle?

Does Congress have authority to allow the judicial branch to usurp legislative Powers of Congress?

Does Congress have authority to allow the judicial branch to violate the seperation of Powers doctrine of the U.S. Constitution?

Does the dept. of justice have authority to spend public money & time to defend usurpation of the legislative Powers of Congress by judges of the U.S. District Court for the Eastern District of Congress?

Does the dept. of justice have authority to spend public money & time to defend violation of the seperation of Powers doctrine by judges of the U.S. District Court for the Eastern district of California?

Whether the Court of Appeals has privilege to falsify the records & omit recording all the documents filed in the court?

## JURISDICTIONAL STATEMENT

Date of judgment sought to be reviewed, March 12, 1992.

The statutory provisions belived to confer jurisdiction upon this Court: 28 U.S.C. 1651 (a), 28 U.S.C. 2107 and Federal Rules of Appellate Procedure, Rule 21.

TABLE OF CONTENTS


| | Page |
|---|---|
| QUESTIONS PRESENTED FOR REVIEW | i |
| JURISDICTIONAL STATEMENT | ii |
| TABLE OF CONTENTS | iii |
| TABLE OF AUTHORITIES | iv |
| CONSTITUTIONAL PROVISIONS, STATUTES | v |
| REASONS FOR GRANTING THE PETITION | vi |
| STATEMENT OF THE CASE | 1 |
| A. PROCEEDINGS BELOW | 1 |
| B. STATEMENT OF FACTS | 2 |
| RESPONDENT'S JUDICIAL ERRORS | 3 |
| ARGUMENT | 5 |
| REBUTTAL TO RESPONDENT COYLE'S FALSIFICATION OF RECORDS | 5 |
| DISQUALIFICATION OF JUDGES | 7 |
| PLEADING SPECIAL MATTERS | 9 |
| PARTIAL TABLE OF COMPLAINTS SPECIAL MATTERS | 11 |
| COMPARISON OF TRUE CASE TITLE & JUDGE COYLE'S FALSE CASE TITLES | 13,14 |
| PLAIN ERRORS BY THE COURT OF APPEALS | 15 |
| CONCLUSION | 16 |

TABLE OF AUTHORITIES


| | Page |
|---|---|
| Bankers Life and Cas. Co. v Holland 346 U.S. 379, 384 | D4 |
| Brier v North. Calif. Bowling Prop Assn. 316 F.2d 787 | D5 |
| Landmark Communications Inc. v Virginia 435 U.S. 829, 840 | G6,G7 |
| Nebraska Press Ass'n v Stuart 427 U.S. 539 | G5 |
| New York Times v U.S. 403 U.S.713 | G5 |
| Phillips v Joint Legislature Committee on Performance and Expenditure of Mississippi C.A. 5th 1981, 637 F.2d 1014 | D4 |
| Potashnick v Port City Const. Co. C.A. 5th 1980, F.2d 1101 | D4 |
| Shapiro v Thompson 394 U.S, 618 | D6 |
| U.S. v Conforte C.A. 9th 1980, 624 F.2d 669 | D4 |
| U.S. v Troxell C.A. 7th 1989, 887 F.2d 830 | 7 |
| U.S. v Lee 106 U.S. 220 | G5 |
| Will v U.S. 389 U.S. 95 | |
| Lasky 49 Calif. Law Review 831 | G3 |
| A Survey, Duke L.J. 1966, 1011,1012 | G7 |

## UNITED STATES CONSTITUTION


| | Page |
|---|---|
| ARTICLE I, Sec. 1 | H2 |
| ARTICLE I, Sec. 2(5) | H8 |
| ARTICLE I, Sec. 3(6) | H8 |
| ARTICLE I, Sec. 7(2) | H4 |


## STATUTES


| | |
|---|---|
| 28 U.S.C. Sec. 372 (c)(1) | G1,H1 |
| 28 U.S.C. Sec. 453 | H1 |
| 28 U.S.C. Sec. 455 | D3 |
| 28 U.S.C. Sec. 1654 | G6 |


## FRCP


| | |
|---|---|
| Rule 8 (d) | G3,H7 |
| Rule 9 (b) | G2 |
| Rule 15 (a)(d) | D4 |
| Rule 21 (a) | D1 |


## FRAP


| | |
|---|---|
| Rule 4 | A1 |
| Rule 21 | A1 |

## REASONS FOR GRANTING THE PETITION

Granting the petition would be in support of this Court's appellate jurisdiction since there is a conflict of decisions among the appellate circuits which requires this Court to settle, in order to maintain uniformity of decisions in the lower appellate courts.

This Supreme Court is the only Court with authority to settle those conflicts of decision among the lower appellate courts.

This Supreme Court is the only Court with authority to order preparation of legal remedies for the judicial errors perpetrated by respondent, which errors were accepted and ratified by the 9th Circuit Court of Appeals contrary to that Court's appellate duties.

This Supreme Court is the only Court with authority to reject the illegal usurpation of Legislative Powers of Congress by the district and appellate court's fabrication of their respective local rules of court.

## Statement of the Case

A. Proceedings Below.

On March 12, 1992 the United States Court of Appeals for the 9th Circuit denied Petitioners request for rehearing of the Court's Order denying rehearing of Petitioner's motion for mandamus relief of the district court's order denying disqualification of the district court judge.

The District Court ruling was a denial of Petitioner's motion to disqualify the court from any further action in the controversy.

The Court of Appeals ruling was a direct evasion by the appeals court to address the ambiguities of 28 USC Section 455.

The appeal below was a final appeal.

**§ 3549. Grounds for Disqualification—Appearance of Partiality**

**This makes a drastic change in practice in the federal courts.[a.1]**

**Because of this general provision of § 455(a), an overly-nice reading is not required of the specific instances of disqualification spelled out in § 455(b).[a.1]**

**"Scienter is not an element of a violation of § 455(a). The judge's lack of knowledge of a disqualifying circumstance may bear on the question of remedy, but it does not eliminate the risk that 'his impartiality might reasonably be questioned' by other persons."[a.1]**

B. Statement of Facts.

Judge Coyle never held any due process of law hearings on Petitioner's Complaint.

There was never any oral argument in the action & there is no court reporter's transcript in existance of any hearing held.

Respondent Coyle never addressed petitioner's claims of particularity of fraud by defendants or their principals.

Respondent has made several fundamental errors of fact and law, which the court of appeals has overlooked, and those plain errors are an affront to the integrity & reputation of judicial proceedings.

The Court of Appeals did not hold any hearings in the case and petitioner has been unable to point out those plain errors since the Court of Appeals has closed the case.

## RESPONDENT'S JUDICIAL ERRORS

Malpractice is defined as acts, errors & omissions performed by the errant person.

Respondent Coyle, has had to subscribe to the Oath of Office set forth in 28 USCS 453, a copy of which is shown below in note 1.

That Oath of Office is Respondent's judicial admission, which he cannot deny or evade in way, shape or form.

The words faithfully & impartially denote the fundamental qualities to be used by respondent in performing his judicial duties.

1. **§ 453. Oaths of justices and judges**

**Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____ _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."**

From the words of the oath of office, the judge has no authority to make law, that is the judge's solemn promise and violation of that oath is willful perjury, by the oath taker.

> Legislative bill- The draft of a proposed law from the time introduction in a legislative house through all the various stages in both houses.
>
> United States Constitution, Article I, Section 7 (2).
>
> Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States, if he approve he shall sign it, if not he shall return it, with his objections to the house in which it shall have originated,. . .

The local rules of the U.S. District court for the Eastern District of California, were never introduced in the House of Representatives, as a bill.The local rules were neyer presented for public examination & debate in the House of Representaives & sent to the U. S. Senate for passage.

## ARGUMENT

### REBUTTAL TO RESPONDENT COYLE'S FALSIFICATION OF RECORDS

Respondent Coyle is District Court Judge, in the action & Judge Coyle is presumed to be the legal expert in the civil action.

Each & every statement, order, judgment & opinion made by Coyle, is Respondent's judicial admission, & as such, Coyle cannot deny or evade anything he has written.

Coyle has the practice & policy of making false statements in his writings, & then if anybody objects, Coyle uses his bogus excuse of typographical errors. Any and all errors made in Coyles writings, are his errors.

There is no other person in the courtroom who knows what Respondent is going to do or say, and Coyle cannot try to shift the blame for his incompetence & mental aberrations on to employees of the district court, & if the errors were typographical errors, why didnot Coyle have them corrected before filing.

Coyle's reason for not correcting his erors is his attitude, he does not make errors.

That erroneous judgment CR 23, is Coyle's judicial admission, the case is closed and he cannot deny his own judicial admissions.

The first paragraph of his judgment reads:

DECISION BY THE COURT. This action came to trial or hearing before the Court, The issues have been tried or heard and a decision has been rendered.

(Objection) There was never any trial or hearing: there was never any record made nor is there any court reporter's record on hand.

It is obvious that because Anderson could not hear what Coyle was saying, there was not any discussion or argument.

Hearing is a 2 way street, not a one way dead end monologue.

IT IS ORDERED that plaintiff's Motion for Disqualification is denied.

(Objection) Motion to disqualify judge CR11 was filed by Anderson, 9/3/91, judge Coyle did not act upon it until Oct. 31,91, a clear case of delay, unjustifiable discrimination.

> The Seventh Circuit, however, takes the view that the refusal of the district judge to recuse himself under § 455(a) is not reviewable at all on appeal. It must be raised by an immediate petition for mandamus or not at all.[14]

U.S. v Troxell C.A.7th, 1989 887 F.2d 830

The reasoning as explained in the Troxell case above is that when there is only an appearance of impropriety the injury is to the judicial system as a whole and not to the substantial rights of the parties. "once the proceedings in the district court are complete, the harm sought to be avoided by the requirement of recusal for appearance of impropriety has been done--the public image of the judiciary has already been damaged."

Respondent Coyle is an expert & his judicial images are his writings and orders.

When Coyle, the putative expert makes errors in his writings then those errors raise questions of Coyle's "BAD FAITH INTENT".

> Bad faith. The opposite of "good faith", generally implying or involving actual or constructive fraud or a design to mislead or deceive another or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.

The matter of honesty in Coyle's writings is a matter of law & professional skill and when Coyle defies the law & his professional

ethics, he has damaged the public image of the courts and judiciary.

The following section from Federal Praetice & Procedure by Wright, et al, examines the problems relating to disqualification of judges and justices.

This Court is the Court with authority to make binding decision on what procedures should be used to review refusal by a court to disqualify itself in any action.

**§ 3550. Procedure for Disqualification**

The statutes provide very little by way of procedure for disqualification. Section 144 of Title 28 does contain very specific procedural provisions for an affidavit of prejudice against a district judge.[1] The other two disqualification statutes, §§ 47 and 455, are directed to the judges themselves and say nothing about procedure. There has been some suggestion in lower court cases that a party must take some timely action in order to invoke the provision of § 47 that no judge shall sit to hear an appeal from his own decision, but this appears to be unsound for reasons that are discussed elsewhere.[2] Section 455 is wholly silent about procedure, except for its waiver provisions.[3]

Prior to 1948 the statute that is now § 455 could be invoked only "on application of either party," and it was held that one who was not a party could not ask a judge to step down, even though he had a personal stake in the outcome of the case.[4]

Every lower court judge has the opinion his way is the only right way, but as a matter of law is it?, The right way?

IT IS FURTHER ORDERED that this action is dismissed for lack of subject matter jurisdiction and for failure to state a claim and that the allegations against the moving defendants are stricken.

(Objection) FRCP Rule 9, attached hereto provides subject matter jurisdiction for the plaintiff's claims of fraud, misrepresentations & unmerchantability; which court the failed to address.

**Rule 9.** Pleading Special Matters

(a) **Capacity.** It is not necessary to aver the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party, except to the extent required to show the jurisdiction of the court. When a party desires to raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, the party desiring to raise the issue shall do so by specific negative averment, which shall include such supporting particulars as are peculiarly within the pleader's knowledge.

(b) **Fraud, Mistake, Condition of the Mind.** In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally.

Petitioner's Complaint CR 1, stated with particularity, Anderson's claims of fraud & misrepresentations by the principals, Respondent erred by ignoring Anderson's claims and that omission was intentional.

> **Misconduct in office.** Any unlawful behavior by a public officer in relation to the duties of his office, willful in character. Term embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act. See also Malfeasance; Misfeasance.

Those allegations of fraud & misrepresentations, provided a clear duty for the court to recognize the claims, however the court & defendant's conspired to ignore Anderson's claims & the court in CR 23, used the phrase "lack of subject matter jurisdiction."

> **Justiciable controversy.** A controversy in which a claim of right is asserted against one who has an interest in contesting it. A question as may properly come before a tribunal for decision. Duart Mfg. Co. v. Philad Co., D.C.Del., 30 F.Supp. 777, 779, 780.

The following page gives a partial listing by paragraph number, in the Complaint of the allegations of fraud, etc.

Anderson alleged with particularity the following partial listing of allegations in plaintiff's Complaint CR 1, (Exhibit 1 ) that relate to fraud, mistake.

| Page | Para. | Claim |
|---|---|---|
| 5 | 32 | false & fraudulent St. Dodge |
| 5 | 34 | false & fraudulent |
| 7 | 41 | Chrysler Motors fraudulent |
| 8 | 48 | no record of argument |
| 8 | 50 | false no oral argument |
| 9 | 54 | Chrysler's fraud |
| 9 | 56 | Chrysler's intentional fraud |
| 9 | 59 | court never addressed fraud |
| 10 | 64 | court's false words |

Defendant's have never made any denial of Anderson's allegations of fraud by the defendants and under FRCP Rule 8(d) attached hereto, defendants failure to deny, has defendant's admitting Anderson's allegations of fraud, unmerchantability.

On the following page, the upper copy is an exact copy of Anderson's case title filed in the district court, # 91-338 REC.

The lower copy is judge Coyle's erroneous judicial admission, CR 23, dated 10/31/91.

Who is John D. Fairbanks?

Where did he come from?

What is his status in the case?

Petitioner has never seen or met the anonymous John Fairbanks.

On the second page following is a upper copy of court clerk Jack L. Wagner's erroneous filing of his Judgment in a Civil Action. CR24.

Another bad faith filing, showing the conspiracy between judge Coyle and count clerk to misrepresent & falsify the court records.

The lower copy is another of Coyle's bad faith, judicial admissions.

The Court of Appeals judges, Wallace, and Sneed and Alarcon have made no effort to correct judge Coyle's & Court Clerk Wagner's erroneous falsification of court records.

The copy of the title paragraph shown below, identifies the parties in the civil case, 91-338 REC filed by ANDERSON.

HENRY ANDERSON,

Plaintiff,

V

JOHN D. FAIRBROOK,
BALDASSARO "BILL" DiCAPO,
BAKER & McKENZIE,
JONATHAN S. KITCHEN,
CHRYSLER MOTORS CORPORATION,
STOCKTON DODGE, INCORPORATED,
JOHN J. PATRIDGE,

Defendants.

Note the specific names of the defendants and Chrysler Motors Corporation.

The following title paragraph is copied from Coyle's Judgment CR 23, 10/31/91.

HENRY ANDERSON,

Plaintiff,

v.

JOHN D. FAIRBANKS, et al.,

Defendant.

Who is John D. Fairbanks? What did he do? What is his position in this controversy?

The upper title copy is from CR 24 judgment in a civil action by Jack L. Wagner.

HENRY ANDERSON

vs.

JOHN D. FAIRBANKS, et al

FILED
MAR 12
1992.

It shows the court clerk aided Coyle in his falsification of records in the action.

The lower copy title is from CR 28, ORDER by Respondent Coyle.(filed 12-3-91.)

HENRY ANDERSON,

Plaintiff,

v.

JOHN D. FAIRBANKS, et al.,

Defendant.

FILED
DEC 3
1991.

Those title errors, show that it does not matter what is being said or written but who did the saying or writing is the important thing in record fabrication, or the falsification of records.

Plain Errors by the Court of Appeals

The Court of Appeals breached its duty to cite the plain errors made by Coyle and the Court Clerk, Wagner, pages

The Court of Appeals Docket does not contain any reference to the two items shown in the Appendix hereto as Appendix G & H which were filed on Feb. 13, 1992 at 11:51 AM.

Appendix G alleged misconduct conspiracy and legal malpractice conspiracy between Respondent Coyle & defendant Fairbrook, those allegations were properly filed under 28 USC Section 372, but were ignored by the Court of Appeals.(the docket number would be 31.)

Appendix H, alleged illegal usurpation of the legislative Powers of Congress by way of the fabrication of local rules of court by a majority of the judges thereto and involved violation of the Seperation of Powers doctrine by the majority of the judges involved in the rules fabrication & adoption as part of the judges practice and policy.

## CONCLUSION

WHEREFORE, Petitioner requests,

1. That a writ of mandamus issue from this Court directed to the Ninth Circuit Court of Appeals, ordering that court to vacate its order denying mandamus to petitioner & grant mandamus to petitioner requiring Respondent R.E. Coyle to disqualify himself from any further actions involving petitioner;

2. also; for an order vacating the local rules of court for the Eastern District of California, as usurpation of the legislative Powers of Congress and a violation of the seperation of powers established by the U.S. Constitution;

3. also; for an order vacating the local rules of the 9th Circuit Court of Appeals as usurpation of the legislative Powers of the U.S. Congress & violation of the seperation of powers established by the Constitution.

4. also; petitioner receive his costs of suit and expenses.

Dated 6-8-92. By _____
Henry Anderson

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1992

In re HENRY ANDERSON, Petitioner

V

UNITED STATES DISTRICT COURT FOR

THE EASTERN DISTRICT OF CALIFORNIA

ROBERT E. COYLE, DISTRICT JUDGE

Respondent

and

JOHN D. FAIRBROOK, BALDASSARO "BILL" DICAPO,
JONATHAN S. KITCHEN, BAKER & McKENZIE,
CHRYSLER MOTORS, CORPORATION
STOCKTON DODGE, INCORPORATED,
JOHN J. PATRIDGE,

real parties in interest

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# PETITION FOR WRIT OF MANDAMUS to the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

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## APPENDIX

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APPENDIX A
UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT [1]

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>VS<br><br>ROBERT E. COYLE, [2]<br><br>Respondent,<br><br>JOHN D. FAIRBROOK [3]<br>BALDASSARO "BILL" DICAPO,<br>BAKER & McKENZIE,<br>JONATHAN S. KITCHEN,<br>CHRYSLER MOTORS, CORP.,[4]<br>STOCKTON DODGE, INC.,<br>JOHN J. PATRIDGE,<br><br>Defendants | No. 91-70747<br><br>NOTICE OF APPEAL<br><br>U.S. SUPREME COURT RULE 20 29<br><br>28 USC Sec. 1651<br>28 USC Sec. 2107<br><br>28 USC Sec. 455<br><br>FRAP Rule 4, 21<br><br>FILED<br>APR 13 1992 |

Notice is hereby given that HENRY ANDERSON, Petitioner above named, hereby appeals to the Supreme Court of the United States from the final ORDER dismissing Petitioner's Petition for rehearing entered in this action on March 12, 1992.This Appeal is taken pursuant to Supreme Court Rule 20 and 28 U.S.C. Sections Sections 455, 1651 and 2107.

Dated 4-7-1992. By:_____
Henry Anderson

The footnotes 1,2,3 and 4 are explained on the next page.

FOOTNOTES

n.1. The 9th Circuit Court of Appeals local Rules requires a different type of format for petitions seeking Mandamus & that format is inconsistent with the Supreme Court Rules in that the local rules try to censor or conceal the names of the judges or persons who are respondents.

n.2 Judge Coyle has misrepresented the defendants names in his judicial admissions.

n.3 Defendant Fairbrooks counsel of record has repeated the misrepresentation of judge Coyle.

n.4 Defendant Chrysler Motors Corporation has had a change of name, which is central to Anderson's Petition for writ of mandamus.

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>vs.<br><br>UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA,<br><br>Respondent,<br><br>and<br><br>JOHN D. FAIRBROOK, et al.,<br><br>Real Parties in Interest. | No. 91-70747<br><br>DC# CV-F-91-338 Eastern California (Fresno)<br><br>ORDER<br><br>ORIGINAL<br><br>FILED<br><br>MAR 12 1992 |

Before: WALLACE, Chief Judge, SNEED and ALARCON, Circuit Judges

The Petition for rehearing of this Court's January 31, 1992 ORDER denying Petitioner's request for mandamus relief is denied. No further filings shall be accepted in this closed case.

(NOTE)

The Court of Appeals title in this action does not comply with the United States Supreme Court Rule 20.3(a) and the Court of Appeals is trying to conceal the name of the errant judge from public knowledge.
CENSORSHIP BY LOCAL RULES OF COURT

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>VS<br><br>ROBERT E. COYLE,<br>UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA<br><br>Respondents,<br><br>and<br><br>JOHN D. FAIRBROOK, et al.,<br><br>Real Parties in Interest. | No. 91-70747<br><br>DC# CV-F-91-338<br><br>Eastern California (Fresno)<br><br>PETITION FOR REHEARING<br><br>FRAP Rule 40<br><br>FILED 1992 Feb 13 AM 11:50 |

Petitioner HENRY ANDERSON, petitions this Court of Appeals for a rehearing of its ORDER filed 1-31-1992, in the above titled case on the following grounds:

There were two subjects in ANDERSON'S Petition, which the Court of Appeals neglected to address properly.

One subject was based upon Respondents failure to permit Petitioner to Amend Petitioner's duly filed Complaint & allow Petitioner to address the change of name of

principal Chrysler Motors Corporation to its new name, of Chrysler Corporation.

That name change of Defendant Chrysler was an intentional act of the Defendant, to secure some procedural advantages for itself.

The other item was a Motion for disqualification of the judge, Robert E. Coyle that disqualification was based upon Respondents prejudice against Petitioner ANDERSON.

Respondent Coyle, in a footnote to his opinions, accused Petitioner of being deaf. Respondent Coyle, has no academic, professional technical or practical qualifications that enable Coyle to make his deliberate prejudicial, accusations.

Most importantly, Petitioner's physical attributes were irrelevant, to the subject matter of defendants Stockton Dodge, Inc., & Chrysler Motors Corporation/Chrysler Corporation, fraud & misrepresentations inflicted upon the victim-Petitioner.

Respondent Coyle's action, was a deliber-

ate act of malpractice by Coyle to subvert Anderson's legal claims against the defendants. Coyle has the bad habit of interjecting false items in the case at hand, to confuse & obscure the things under discussion.

A disrupter.

Respondent Coyle has made no response to Anderson's Petition for Coyle's disqualification, thereby again abusing his authority.

This Court of Appeals has also favored Coyle in his malfeasance thereby proving the Court of Appeals is also prejudicial.

The Court of Appeals proves its prejudice when the Court has breached its duties to address deliberate errors made by Coyle.

WHEREFORE: Petitioner requests this Court of Appeals to grant Petitioner's request for a rehearing in the controversy.

Petitioner is also filing a charge of MISCONDUCT against Coyle and also a claim of UNCONSTITUTIONAL LOCAL RULES OF COURT, to support this Petition for Rehearing.

Dated 2-12-1992. By _____
Henry Anderson

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>vs<br><br>UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA,<br><br>Respondent<br><br>and<br><br>JOHN D. FAIRBROOK, et al.,<br><br>Real Parties in Interest. | No. 91-70747<br><br>DC# CV-F-91-338<br>Eastern California<br>(Fresno)<br><br>ORDER<br><br>FILED<br>JAN 31 1992 |

Before: WALLACE, Chief Judge, SNEED and ALARCON, Circuit Judges.

The petition for writ of mandamus is denied. See Bauman v United States District Court, 557 F.2d 650 (9th Cir. 1977)

(NOTE)

The Court of Appeals title in this action does not comply with the United States Supreme Court Rule 20.3(a) and the Court of Appeals is trying to conceal the name of the errant judge, from public knowledge.

CENSORSHIP BY LOCAL RULES OF COURT

APPENDIX D

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>V<br><br>Robert E. Coyle,<br><br>Respondent,<br><br>JOHN D. FAIRBROOK,<br>BALDASSARO "BILL" DICAPO,<br>BAKER & McKENZIE,<br>JONATHAN S. KITCHEN,<br>CHRYSLER MOTORS CORP.,<br>STOCKTON DODGE, INC.,<br>JOHN J. PATRIDGE,<br><br>Defendants. | No.CV-F-91-338 REC<br><br>PETITION FOR WRIT OF MANDAMUS<br><br>FRAP RULE 21 (a)<br><br>FILED<br>1991 Dec.17<br>AM 11:39 |

Jurisdiction of this Court is given by 28 USC Section 455.

Petitioner is a citizen of the State of California.

Respondent is a judge in the U.S. District Court for the Eastern District of California at Fresno, California.

Anderson filed a civil action #91-338 in Fresno, that action was assigned to Respondent Coyle's Court.

On July 1, 1991, Anderson filed a certificate in the District Court at Fresno, certifying that judge Coyle was prejudiced against Anderson. A copy of that Certificate is attached hereto, and marked Exhibit 1.

On July 29, 1991 Anderson filed his Motion for disqualification of district court judge R.E. Coyle, to act in the case.

Meanwhile Anderson was informed that defendant Chrysler Motors, Corporation had changed its name to Chrysler Corporation and its agent for service of process, refused to accept any process that was addressed to its old name of Chrysler Motors, Corporation.

Anderson filed a motion to Amend/Supplement his Complaint by changing the name of defendant Chrysler Motors Corporation to its new name of Chrysler Corporation and issuing of summons in the name.

In support of his prejudice towards Anderson, judge Coyle kept stalling and refused to take any action upon Anderson's Motions.

For more than 90 days, judge Coyle stalled, violating Rule 1 of the Federal Rules of Civil Procedure, unjustifiably discriminating against Anderson, when judge Coyle did nothing at all in the case.

Finally on October 31, 1991, judge Coyle made his interlocutory Order which was subject to several conditions. That Order denied Anderson's demand for his, judge Coyles disqualification & made the Motion to Amend the Complaint, moot.

On December 2, 1991, judge Coyle made his final Order in dismissing Anderson's action and awarding sanctions to defendants.

That stalling by judge Coyle & his award of sanctions against Anderson, showed the prejudice, invidious animus of judge Coyle to wreak his, Coyle's vindictiveness against Anderson.

POINTS AND AUTHORITIES

"Under Sec. 455, no motion at all is required, the judge must disqualify himself if the facts cast doubt on his impartial-

ity regardless of how or by whom they are drawn to his attention. Phillips v. Joint Legislature Committee on Performance and Expenditure of Mississippi. C.A. 5th 1981 637 F.2d 1014

That citation is clear enough.

The statute (Sec. 455) imposes no duties on the parties to seek disqualification, nor any time limits with which disqualification is sought. Potashnick v Port City Const. Co. C.A. 5th 1980, F.2d 1101.

Statute indicating grounds for disqualification of judge imposes self-enforcing duty on judge, but provisions may be enforced also by a party to the action. U.S. v Conforte, C.A. 9th 1980 624 F. 2d 669.

Mandamus has traditionally issued in response to abuses of judicial power. Thus where a district judge refueses to take some action he is required to take or takes some action he is not empowered to take, mandamus will lie. Bankers Life and Cas. Co. v Holland, 346 U.S. 379, 384.

The above case citations provide authority for this Court of Appeals to grant Petitioner's Petition.

The writ has traditionally been used in the federal courts only "to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.
Will v United States, 389 U.S. 95.

FRCP Rule 15(a)(d) specifically addresses

the amendment & supplement of pleadings when the matter involves a change of the name of a corporation and issuance of a new summons to address that change of name, the defendant corporation is not prejudiced by the act of securing and serving new process to show that fact.

A motion to dismiss is not a responsive pleading for purposes of Federal Rules of Civil Procedure, Rule 15 (a). Brier v. Northern California Bowling Prop. Assn. 316 F.2d 787.

Defendants have not filed any answer or responsive pleading, to the Complaint.

REASONS FOR GRANTING THE WRIT

This Court of Appeals is the only court with authority to order respondent to obey the FRCP & Respondent has breached his duty.

Respondent has deprived Petitioner of his Constitutional rights to Due Process of Law and Equal Protection of the Laws, with the bad faith actions and inactions of Respondent.

By his stalling, respondent Coyle has intentionally discriminated against Petitioner

and deprived Petitioner of his rights to Due Process of Law & Equal Protection of Laws.

> Concepts of 'equal protection of laws' & 'due process of law' though not always interchangeable are not mutually exclusive; while fifth Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process of law.
> Shapiro v Thompson, 394 U.S. 618.

SPECIAL NOTICE

Page 3 of Respondents 10/31 Order line 16 has a footnote[4] at the end of the line. That footnote contains an arbitrary personal opinion of Respondent and he has no academic, professional, technical or practical qualifications to back up his prejudiced opinion. That footnote also distorts the facts in the case & Respondent cannot prove the existance of any verbatim record to support his prejudicial claims.

The last sentence in that footnote provides the arbitrary prejudicial opinion and statement of Respondent, quoted below;

"Plaintiff, who is deaf, states that he did not actually present any oral argument."

FIRST, Plaintiff/Petitioner is not deaf. Petitioner does not have the duty to refute such a bigoted statement from Respondent.

SECOND, if Respondent wants to make such a personal accusation he will have to present it in a "Court of Law" without any claims of privilege or immunity & Petitioner will meet Respondent and prove that Respondent is guilty of perjury, before a jury.

THIRD, either there was, or was not, oral argument. The inclusion of the ambiguous actually is inconsistent with the statement made by Respondent in his court orders. Respondent is careless in his choice and use of words and he should be prepared to offer some verbatim record of what took place, or admit his error and drop the matter.

In as much as this petition for mandamus relates to the prejudices of Respondent, and those prejudices provide reasons for granting of reversible error and or fundamental error, this Court of Appeals must take judi-

cial notice of the errors.

WHEREFORE: Petitioner requests this Court of appeals to vacate Respondent's Order denying disqualification of Respondent, & for this Court to vacate the Respondent's Order, awarding sanctions & attorneys fees & costs to the defendants; & Order of dismissal.

Also for this Court of Appeals to grant Petitioner's request for disqualification of Respondent from acting in this case, and this Court to grantPetitioner permission to amend Petitioner's Complaint with service of summons and Amended Complaint upon defendant Chrysler Corporation, as the successor corporation to the defendant Chrysler Motors, Corporation, and;

Also for award of costs to Petitioner in preparing, filing and serving this Petition, upon Respondent and defendants.

Dated 12/06/91.

By:_____
Henry Anderson

APPENDIX E

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| HENRY ANDERSON,<br><br>Plaintiff,<br><br>V<br><br>JOHN D. FAIRBROOK,<br>BALDASSARO "BILL" DICAPO,<br>BAKER & McKENZIE,<br>JOHNATHAN S. KITCHEN,<br>CHRYSLER MOTORS, CORP.,<br>STOCKTON DODGE, INC.,<br>JOHN J. PATRIDGE,<br><br>Defendants. | No. CV-F-91-338-REC<br><br>NOTICE OF MOTION and MOTION FOR PERMISSION TO FILE A SUPPLEMENTAL COMPLAINT<br><br>FRCP RULE 15(d)<br><br>Date: Oct. 7,1991<br>Time: 1:30 P.M.<br>Dept. One |

NOTICE TO THE DEFENDANTS: Plaintiff HENRY ANDERSON requests permission from this Court, to file a SUPPLEMENTAL COMPLAINT, in the above titled COMPLAINT, for the reason that Defendant CHRYSLER MOTORS CORPORATION, has had a change in name for the Defendant.

Plaintiff has attempted to serve Summons & Complaint on the Defendant Corporation, but the designated agent for service of process C.T.Corporation refused to accept the process issued to the Defendant CHRYSLER MOTORS CORPORATION, causing extra time and expense in

this action, and delaying the determination of the action.

Dated 9/18/91. By:_____
Henry Anderson

## Rule 15. Amended and Supplemental Pleadings

**(a) Amendments.** A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

**(d) Supplemental Pleadings.** Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead to the supplemental pleading, it shall so order, specifying the time therefor.

APPENDIX F

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| HENRY ANDERSON,<br>Plaintiff,<br>V<br>JOHN D. FAIRBROOK, et al.,<br>Defendants. | No. CV-F-91-338 REC<br>28 USC Section 144, Section 455.<br>FILED JUL 1 10:17 AM '91 |

Plaintiff HENRY ANDERSON, certifies that judge Robert E. Coyle of the United States District Court is prejudiced against plaintiff and plaintiff hereby demands that judge Robert E. Coyle take no action in this civil case.

Dated 6/14/1991. By: _____
Henry Anderson
Plaintiff

APPENDIX G

UNITED STATES COURT OF APPEALS
FOR THE 9th CIRCUIT

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>VS<br><br>ROBERT E. COYLE,<br><br>Respondent,<br><br>JOHN D. FAIRBROOK,<br>BALDASSARO "B".DICAPO,<br>BAKER & McKENZIE,<br>JOHNATHAN S. KITCHEN,<br>CHRYSLER MOTORS CORP.,<br>STOCKTON DODGE, INC.,<br>JOHN J. PATRIDGE,<br><br>Defendants. | No. CV-F-91-REC<br><br>FILED FEB 13,1992<br>AM 11:51<br><br>COMPLAINT ALLEGING MISCONDUCT CONSPIRACY BETWEEN ROBERT E. COYLE & JOHN D. FAIRBROOK TO DEPRIVE PLAINTIFF OF HIS U.S. CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHOR- OF RESPONDENT ROBERT E. COYLE.<br><br>LEGAL MALPRACTICE BY CONSPIRACY BETWEEN COYLE & FAIRBROOK TO CENSOR FACTS OF THE CASE BY COYLE IGNORING THE DETAILS PLEADED BY PLAINTIFF IN HIS COMPLAINT<br>28 USC SECTION 372 |

Petitioner HENRY ANDERSON, alleges under authority of 28 USC Section 372 (c)(1) that Respondent Robert E. Coyle has engaged in conduct prejudicial to the effectice & expeditious administration of the business of the courts & that judge Coyle is unable to discharge the duties of his office, due to a

serious mental disability that prevents Respondent Coyle from complying with his judicial admissions, set forth in his Oath of office.

That misconduct involves Coyle's legal malpractice, which includes Coyles acts, errors and omissions performed under color of his authority; which authority Coyle has abused in his mishandling of this action in order to satisfy his invidious animus for Petitioner.

In his Complaint #CV- 89-073, Petitioner Anderson cited numerous bad faith, false, fraudulent & misleading claims made by defendants Stockton Dodge & Chrysler Motors.

Judge Coyle in his Orders & decisions to that complaint committed legal malpractice by N E V E R addressing any of ANDERSON'S claims of fraud by the defendants, Coyle ignored those specific claims entirely.[1].

FRCP Rule 9 (b) fraud, mistake, condition of the mind. In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity,. . .

(note 1, next page)

When any defendant or party makes inconsistent claims in their documents it is self evident perjury, because contradictions made by the party or person, cannot all be true.

Petitioner included copies of Stockton Dodge's invoice # 4942 in Anderson's briefs. The ultimate particularity is an exact copy of the defendant's perjurious claims.

Judge Coyle ignored the exhibits & claims made by petitioner.

Defendant John Fairbrook State Bar #105115 also failed to make any objections to Anderson's claims of fraud & misrepresentation.

FRCP Rule 8(d) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required,. . . are admitted when not denied in the responsive pleading.

It is obvious that defendant Fairbrook

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n1 The bald fact is that there is such an enormous quantity of law such a vast arsenal of supposed principles, that one does not have to overrule a precedent, there is a much simpler procedure. You simply ignore it . . .There is hardly any set of facts that cannot be made to look right or wrong, actional or not, depending upon what rules one wishes to highlight & what rules one wishes to ignore. LASKY 49 Calif. Law Review 831.

acted in conspiracy with judge Coyle to ignore Anderson's specific claims of fraud by the principals, Stockton Dodge and Chrysler Motors, Corporation.

With his arrogant suppression of the material facts of the case Judge Coyle commited wanton misconduct under color of his authority that suppression was censorship in fact.

Fairbrooks defense counsel, J. Laplante, also acted to censor Anderson's speech with Laplante's motion to strike portions of the Petitioner's pleadings. Judge Coyle adopted the motion.

In the panoply of civil rights, freedom of speech is one of the most important, and all attempts to curtail or censor speech makes the censor a willful, self serving miscreant.[2]

2. Any system of prior restraint of expression bears a heavy presumption against its Constitutional validity & the government carries a "heavy burden" to justify enforcing any system of prior restraint.
Justices Black & Douglas, maintained that there can never be prior restraint of the press. (n. 2, cont. next page.)

Judge Coyle has engaged in wanton misconduct with his censorship under color of his authority. [3]

misconduct- a transgressionof some established & definite rule of action a forbidden act, a dereliction from duty, unlawful behavior, willful in character, improper or wrong behavior.

2 cont. Paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people. New York Times v U.S. 403 U.S. 713

Prior restraints on speech are the most serious and least tolerable infringements on First Amendment rights. . . a prior restraint. . . has an immediate and irreversiblesanction. If it can be said that a threat of criminal or civil sanctions after publication "chills" speech, prior restraint "freezes" it at least for the time. Nebraska Press Ass'n v Stuart, 427 U.S.539

If the authors of these guarantees, fully aware of the potential conflicts between them, were unwilling or unable to resolve the issues by assigning to one priority over the other it is not for us to rewrite the Constitution by undertaking what they declined to do. 427 U.S. 561.

3 No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impugnity. All creatures of the government from the highest to the lowest are creatures of the law and bound to obey it. United States v. Lee, 106 U.S 220

The arrogant Respondent Coyle has acted as if he was not only above the law, but he was the law.

In order to be fully informed about the controversy, Petitioner has to know what the judge is doing but also what he is not doing that is required to be done by the Constitution.[4]

Petitioner ANDERSON has the legal right to act for himself in this legal controversy 28 USC Section 1654.

Nowheres in that Statute 1654, is there any command that the pro se plaintiff must know and use local rules that are inconsistent with the United States Constitution.

The local rules are a fraud upon the People.[5]

4 The operation of the courts & the judicial conduct of judges are matters of utmost public concern. Landmark Communications, Inc., v Virginia, 435 U.S. 829,840

That decision supports the concept of public knowledge of what the judge is doing, regardless of whether the judge's actions are

just or unjust. That decision nullifies any attempts at censorship.

> Continuing Landmark, supra. The Court also said, "That injury to the reputations of judges or of judicial institutions is an insufficient basis for state suppression of free expression. That opinion was by Burger Ch.J. joined by White, Marshall Blackmun, Rehnquist and Stevens, JJ.

Writing on the power to make local rules another commentator has made this candid comment:

> 5 This power, hedged with limitations, has been the imprimatur for a plethora of individualized rules which have generally remained unchallenged and untested by subjection to the comprehensive scrutiny of judicial decision or scholarly inquiry. Indeed, one legal scholar has characterized the fruits of the power as the "soft underbelly" of Federal procedure.
> The Local Rules of Civil Procedure in the Federal District Courts.--- A Survey,1966 Duke L.J. 1011, 1012.

Dated 2-11-92.

By: _____
Henry Anderson

APPENDIX H

UNITED STATES COURT OF APPEALS
FOR THE 9th CIRCUIT

| | |
|---|---|
| HENRY ANDERSON,<br><br>Petitioner,<br><br>VS<br><br>ROBERT E. COYLE, U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA,<br><br>Respondents,<br><br>JOHN D. FAIRBROOK, BALDASSARO "BILL" DICAPO, BAKER & McKENZIE, JONATHAN S. KITCHEN, CHRYSLER MOTORS, CORP., STOCKTON DODGE, INC., JOHN J. PATRIDGE,<br><br>Defendants. | No. CV-F-91-338- REC<br><br>FILED FEB 13, 1992 AM 11:51<br><br>COMPLAINT ALLEGING MISCONDUCT CONSPIRACY OF JUDGES OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (including SACRAMENTO & FRESNO) TO ENCROACH UPON THE CONSTITUTIONAL LEGISLATIVE POWERS OF CONGRESS BY MEANS OF ILLEGAL LOCAL RULES OF COURT.<br><br>THAT VIOLATION OF THE SEPERATION OF POWERS PRECEPTS BY THE COURTS, IS CARRIED OUT BY MEANS OF LOCAL RULES OF COURT & VIOLATES THE JUDICIAL ADMISSIONS OF THE RESPONDENT JUDGES.<br><br>28 USC Section 372 (c)(1).<br>28 USC Section 453 |

Petitioner HENRY ANDERSON, alleges the judges of the U.S. District Courts for the

Eastern District of California, have engaged in conduct prejudicial to the effective & expeditious administration of the business of the courts and the judges have violated the Constitutional precepts of seperation of Powers of the 3 branches of the United States government.

The continual encroachment by the judges, upon the Legislative Powers of Congress shows a tyrranical contempt by the judges for the Supreme Law of the Land, the United States Constitution.

The United States Constitution states in Article I, Section 1.

> All legislative powers herein granted shsll be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

The Representatives & Senators are chosen by vote of the People.

The President is the chief executive of the United States, and he is also chosen by vote of the People.

The district court judges are appointed

by the President and the President selects judges that cater to the President's wishes.

Each of those judges have to subscribe to the oath of office shown below.

1. **§ 453. Oaths of justices and judges**

**Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____ _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."**

Subscribing to that oath creates a promissory contract of employment between the People of the U.S. and the oath taker.

misconduct in office- Any unlawful behavior by a public officer in relation to the duties of his office, willful in character. Term embraces acts which the office holder had no right to perform acts performed improperly, & failure to act in the face of an affirmative duty to act.

malfeasance- Evil doing, ill conduct. The commission of some act which is wholly wrongful and unlawful, the doing of act which person ought not do at all or the unjust performance of some act which the party had no right or which he had contracted not to do.

From the words of that oath of office the judge has no authority to make laws, that is the judge's solemn promise and violation of that oath is willful perjury, by the oath taker.

> Legislative Bill- The draft of a proposed law from the time of introduction in a legislative house through all the various stages in both houses.

> United States Constitution, Article I, Section 7 (2).
> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States, if he approve he shall sign it, if not he shall return it, with his objections to the House in which it shall have originated.

The local rules of the U.S. District Court for the Eastern District of California, were never introduced in the House of Representatives, as a bill. The local rules were never presented for public examination & debate in the House of Representaives. The local rules were never voted on in the House of Representatives & sent to the U.S. Senate for passage. The Senate never held public debate &

examination on those proposed local rules. The local rules have never passed either House of Congress. The local rules could not be sent to the President for his signature , because the local rules were not passed by the House of Representatives and Senate.

The local rules used by Respondent Robert Coyle are fraudulent and unconstitutional, & used to C H E A T Anderson out of his Civil Rights, including Due Process of Law & Equal Protection of the Laws, chicanery under color of law.

The two items below are exact copies of the inconsistent claims made by the vehicle seller on the same invoice & show the dealer disclaimer concealed from

REPAIR ORDER No. 4942

Dodge

Dodge Trucks

**Stockton Dodge, Inc.**
3333 Auto Center Circle
Phone (209) 931-1920
STOCKTON, CALIFORNIA 95212

**"THE DEPENDABLE DEALER"**

DEALER DISCLAIMER OF WARRANTIES

Any warranties on the products sold hereby are those of the manufacturer. As between this retail seller and buyer, the product is to be sold "AS IS" and the entire risk as to the quality and performance of the product is with the buyer. The seller expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. This disclaimer by this seller in no way affects the terms of the manufacturer's warranty. The buyer acknowledges being so informed prior to the sale

An enlarged copy of that dealer disclaimer is shown below.

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**DEALER DISCLAIMER OF WARRANTIES**

Any warranties on the products sold hereby are those of the manufacturer. As between this retail seller and buyer, the product is to be sold "AS IS" and the entire risk as to the quality and performance of the product is with the buyer. The seller expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. This disclaimer by this seller in no way affects the terms of the manufacturer's warranty. The buyer acknowledges being so informed prior to the sale.

Would any person in his right mind, buy a new Dodge pickup without any warranties what ever on the vehicle? Those disclaimer of warranties were concealed from the buyer Anderson until after the sale; deliberate misrepresentation and fraud by Stockton Dodge Inc., & Chrysler Motors, Corporation /Chrysler Corporation.

Petitioner Anderson, alleges that respondent R.E. Coyle has a mental defect and unable to discharge all the duties of office. That mental defect is outright bigotry and shows Coyle is classified as a maladjusted

personality, defined as a person characterized by lack of sound judgment, perverse and criminal behavior, amoral.

Defendant Fairbrook never made any objections in his pleadings to Petitioners claims fraud by Stockton Dodge and Chrysler.

Fairbrook's failure to deny Anderson's claims of fraud & misrepresentations by the sellers, by FRCP Rule 8 (d) admits those claims made by Anderson.

Defendants DiCapo, Baker and McKenzie and Jonathan S. Kitchen, furnished the Supreme Court Bar membership for defendant Fairbrook and as cosponsors for Fairbrook they are all stuck with Fairbrook's incompetence & dishonesty; that sponsorship was the thing that allowed Fairbrook to file in the Supreme Court.

Seperation of powers--the government of states and the United States are divided into three departments or branches: The legislative, which is empowered to make laws, the executive which is required to carry out the laws, & the judicial which is charged with interpreting the laws & adjudicating dispute under the laws. One branch is not permitted to encroach on the domain of another. Black's Law Dictionary, 5th Edition.

The last sentence is the biggest fiction in United States Life.

Who enforces that prohibition against one department encroaching upon the domain of anothe branch? NO ONE!

The U.S. Revolutionary war discarded the fiction of divine right of kings. In present day life the insidious "fraternal right of judges", has become the national cancer, the national disgrace.

> United States Constitution, Article I, Section 2,(5) The House of Representaives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.
>
> United States Constitution, Article I, Section 3 (6) the Senate shall have the sole power to try all impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. . .

Congress has become a public whipping boy for the government.

It is time for Congress to face up to the bare facts of life and prove to the PEOPLE that the judges are responsible for the bad decisions, civil & criminal; that allow the charlatans, frauds and other scoundrels to

rape the Constitution and cheat the People, out of their savings, peddle drugs and kill the inncocent bystanders.

So called "justice" has become a travesty in United States life.

The fraud by defendants Stockton Dodge, Inc., & Chrysler Motors Corporation/Chrysler Corporation is a justiciable crime, subject to court action, notwithstanding the mental aberrations of the maladjusted personality, judge R.E. Coyle, fraud is a commom subject in civil actions in Federal courts.

The Court of Appeals has breached its legal duty to examine Petitioner's rights to Amend Petitioner's duly filed Complaint, in order to secure proper service of process on the defendant Chrysler Corporation, change of official name from chrysler motors corp.

The Court of Appeals has also breached its duty, to require Respondent Coyle to disqualify himself from any further action in this controversy.

All the local rules of this Court of Appeals also violate the seperation of powers doctrine of the united states constitutio.

Petitioner Anderson alleges the local rules of the Court of Appeals are unconstitutional and have never been enacted into law by the United States Congress.

Congress has the authority & the reasons to invalidate the local rules of court, for the United States District Court for the Eastern District of California; as an encroachment on the legislative authority of Congress.

Petitioner Anderson alleges the local rules of court are a fraud upon the PEOPLE of California.

Petitioner alleges the Court of Appeals has the duty & chance to correct the obvious errors made by Respondent Coyle in his Order and opinions, those errors are prejudicial in nature & show the incompetence of respondent.

WHEREFORE: Petitioner requests this Court of Appeals to reverse its Order & require Respondent Coyle to permit Petitioner to amend his Complaint; and also for this Court of Appeals to Order Respondent Coyle to disqualify himself and transfer the action to some other district court judge.

Dated 2-10-1992

By _____
Henry Anderson